

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF PUERTO RICO**

3                   **UNITED STATES OF AMERICA,**

4                   **Plaintiff,**

5                   **v.**

**CASE NO. 12-2039 (GAG)**

6                   **COMMONWEALTH OF PUERTO RICO,**  
7                   **et al.,**

8                   **Defendants.**

9                                   **ORDER**

10                   Law 20 of April 10, 2017, became fully effective on October 10, 2017. The same is also  
11 the effective date of the repeal of Public Law 53-1996, as amended (Puerto Rico Police Act). The  
12 Puerto Rico Police Department became the Bureau of Police as one of several government agencies  
13 that were integrated into the Department of Public Safety.

14                   The Law implementing the Department of Public Safety (DPS) allows for the sharing of  
15 personnel, administrative expenses and work in an integrated manner among its components thus,  
16 creating a reasonably foreseeable expectation that there will be changes to the structure of the Puerto  
17 Rico Police.

18                   The Agreement for the Sustainable Reform of the Police of Puerto Rico imposes on the  
19 Parties, mainly on the Government of Puerto Rico, the obligation to ensure that the reorganization  
20 of its components provides continuity to the Reform process that is consistent with the strict  
21 mandates agreed upon. Furthermore, the progress made to this date through the effort of personnel,  
22 which involves thousands of man-hours and costly expenses, should not be affected nor discarded  
23 by changes in structure and key personnel already immersed in the Reform Process (Paragraph 286  
24 of the Agreement). It should be noted that to this date the Reform process has achieved great

**Civil No. 12-2039 (GAG)**

1 success and amply complied with the Agreement through its mandated Action Plans establishing  
2 processes and activities in an orderly and systematic manner conducive to the development of a  
3 Sustainable Reform (Paragraph 235 of the Agreement). Cognizant of the aforesaid needs, this Court  
4 issued a “Transition Order (Docket No. 388), during the election process to assure the smooth flow  
5 of the reform process after the newly elected Government took control in January, 2017.

6       Presently, in what can be considered as the final stage of the capacity building period, the  
7 multi-rank staff and the attorneys of the PRPD Reform Office have acquired the skills and fluency  
8 in capturing the whole intent of the Agreement, which fully accounts for the creation and  
9 establishment of the Action Plans and the new procedures generated in the corresponding recent  
10 policies. Furthermore, these efforts helped multi-rank staff train and instruct all members of the  
11 Police and their civilian employees in the complex task of implementing new methods for achieving  
12 full and effective operational compliance (Paragraphs 231, 232, 233 and 294 of the Agreement).

13       Once again the Court foresees the possibility that at this crucial stage the movement or  
14 replacement of trained personnel may cause a needless delay in the implementation of the  
15 Agreement and an economic disruption in terms of training new personnel to the level already  
16 attained by those currently in place. The Agreement requires a sustainable fulfillment of all its  
17 requirements and a continuum of constitutional police practices demonstrated in the measurement  
18 of results (Paragraph 294). This, of course, is not to say that Reform Office personnel is glued  
19 perpetually.  
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**Civil No. 12-2039 (GAG)**

1 In view of the above, the Court hereby orders the Commonwealth of Puerto Rico to  
2 specifically address and discuss the following issues in a memorandum **to be filed on or before**  
3 **December 8, 2017:**<sup>1</sup>

- 4 1. Article 9.02 of Law 20-2017- Transitory dispositions. The Executive Committee report  
5 to the Governor, which includes the evaluation carried out in the agencies to be formed  
6 by the DPS and the recommendations of the Committee as to the transfers of property,  
7 resources and personnel as provided in this Law (in regards to the PRPD only).
- 8 2. Article 9.02- The certification presented to the Governor, according to the evaluation  
9 made by the Executive Committee that the DPS was ready to assume the functions  
10 delegated to it by Law 20-217 as of 10 October 2017.
- 11 3. Article 9.02- The certification conducted by the Office of Management and Budget  
12 certifying the estimated savings through the consolidation within the Department of  
13 Public Safety and the estimated saving dollar amount.
- 14 4. Article 9.02- The Secretary of DPS certification to the Governor as the fulfillment of  
15 the above requirements.
- 16 5. A statement discussing how the process of consolidating the Bureau of Police will  
17 continue to be subject to compliance with the provisions of the agreement between the  
18 United States Department of Justice and Government of Puerto Rico.
- 19 6. Whether the Reform Unit of the Police of Puerto Rico, created by the Agreement for the  
20 Sustainable Reform, will continue to operate as the unit responsible for the  
21 implementation of the reform process as established by the Agreement.

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24 <sup>1</sup> The same, like this order, shall be filed in restricted mode.

